

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARTHUR L. HEIM,

Plaintiff,

V.

MICHAEL J. ASTRUE, as
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 8:06CV468

MEMORANDUM AND ORDER

This matter is before the Court following the filing of not one, but two, Notices of Appeal. (Filing Nos. 37 and 41). Plaintiff Arthur Heim is pro se. The Court has considered whether Heim should be permitted to proceed in forma pauperis, and finds that he should not be permitted to proceed under 28 U.S.C.A. § 1915. The Court may authorize a litigant to proceed without the payment of fees and costs or security therefore upon a proper affidavit by the party that he is unable to cover such costs and fees. Pursuant to Section 1915(d), a court “may dismiss the case if . . . satisfied that the action is frivolous or malicious.” Because the Plaintiff has filed no affidavit to show his inability to pay the fees, and because the Court concludes that the appeal is frivolous for the reasons stated in the Orders at Filing Nos. 31 and 34, the Court will not permit Heim to proceed in forma pauperis. For this reason

IT IS ORDERED:

Plaintiff Arthur Heim shall not be permitted to proceed in forma pauperis.

DATED this 12th day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge